

PATENT COOPERATION TREATY

REC'D 20 MAY 2006

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

WIPO

PCT

To:

100011
22/F , Great Eagle Centre , 23 Harbor
Road , Wanchai , HONG KONG, P. R. China
CHINA PATENT AGENT(H. K.) LTD

PCT

WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY

(PCT Rule 43 bis.1)

Date of mailing
(day/month/year)

15 JUN 2006 (15.06.2006)

Applicant's or agent's file reference FPDL05150036		FURTHER see ACTION paragraph 2 below
International application No. PCT/CN2005/001242	International filing date (day/month/year) 11.Aug 2005 (11.08.2005)	Priority date (day/month/year)
International Patent Classification (IPC) or both national classification and IPC IPC® G06F15/00		
Applicant INTEL CORPORATION et al		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i)with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ 6 Xitucheng Rd., Jimen Bridge, Haidian District, 100088 Beijing, China	Authorized officer Li Qinghui
Facsimile No. 86-10-62019451	Telephone No. (86-10)62084978



WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/CN2005/001242

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of: international search (under Rules 12.3 and 23.1(b))
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :
 - a. type of material a sequence listing table(s) related to the sequence listing
 - b. format of material in written format in computer readable form
 - c. time of filing/furnishing contained in the international application as filed. filed together with the international application in computer readable form. furnished subsequently to this Authority for the purposes of search.
3. in addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/CN2005/001242

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement:

Novelty (N)	Claims <u>1–24</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1–24</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1–24</u>	YES
	Claims _____	NO

2. Citations and explanations

1. Document WO2004105573A discloses a method of developing a gene expression profile indicative of the presence or stage of a selected disease, disorder or genetic pathology in a mammalian subject employs penalized discriminant analysis with recursive feature elimination. A method of diagnosing a cancer in a mammalian subject includes the steps of examining a sample containing the subject's immune cells and detecting a variance in the expression of a statistically significant number of genes, e.g., at least 10 non-tumor genes from those same genes in a characteristic disease or healthy gene expression profile. A significant variance in expression of these genes when compared to a gene expression profile, preferably an average gene expression profile of a normal control, or significant similarities to an average gene profile of subjects with cancer, correlates with a specific type of cancer and/or location of tumor.
2. Document US2003172043A discloses The methods, systems and devices of the present invention comprise use of Support Vector Machines and RFE (Recursive Feature Elimination) for the identification of patterns that are useful for medical diagnosis, prognosis and treatment. SVM-RFE can be used with varied data sets.
3. The difference of the invention as defined in the claim 1 over the prior art is that the method in the invention includes determining a value for each feature in a group of features provided by a training data; eliminating at least one feature from the group by utilizing the value for each feature in the group. None of the prior art documents anticipate the content, therefore claim 1 is novel (Art 33(2)PCT) and inventive (Art. 33(2)PCT) over the prior art.
4. Because of the same reasons, claims 2-24 are also novel (Art 33(2)PCT) and inventive (Art. 33(2)PCT) over the prior art.

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15 JUN 2006 (15 Sept 2005 to 10 Sep 2005) (6)

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ACTION paragraph 2 below

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement:

Novelty (N)	Claims	1–24	YES
	Claims		NO

Inventive step (IS)	Claims	1–24	YES
	Claims		NO

Industrial applicability (IA)	Claims	1–24	YES
	Claims		NO

2. Citations and explanations

1. Document WO2004105573A discloses a method of developing a gene expression profile indicative of the presence or stage of a selected disease, disorder or genetic pathology in a mammalian subject employs penalized discriminant analysis with recursive feature elimination. A method of diagnosing a cancer in a mammalian subject includes the steps of examining a sample containing the subject's immune cells and detecting a variance in the expression of a statistically significant number of genes, e.g., at least 10 non-tumor genes from those same genes in a characteristic disease or healthy gene expression profile. A significant variance in expression of these genes when compared to a gene expression profile, preferably an average gene expression profile of a normal control, or significant similarities to an average gene profile of subjects with cancer, correlates with a specific type of cancer and/or location of tumor.
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